



**Daniel J. Tucker**  
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*Treasurer*

**Orlando Sandoval**  
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**Jamie D. LaBrake**  
*Council Member*

**Henry R. Murphy**  
*Council Member*

DATE: March 30, 2012

TO: Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Proceeding 11-109: Comments deadlines established regarding the  
LightSquared Technical Working Group Report

Dear Mr. Chairman:

I am writing to express my support for the application of LightSquared (LS) to the Federal Communications Commission (FCC). LS has submitted an application to build a terrestrial-based broadband network on its frequencies integrated with its satellite service. LS has entered into a Letter of Intent (LOI) with Techar Woglake, Inc. (TW) to work together to provide much-needed high-speed broadband access to Indian Country and Rural America.

**For the reasons outlined below, I urge you to (1) NOT vacate a *Conditional Waiver Order* addressing LightSquared's inability to address interference-related concerns surrounding its planned terrestrial operations; and to (2) NOT modify LightSquared's license to in any way change its authority to build a terrestrial-based broadband network on its frequencies.**

As the Commission noted in 2004, "By virtually any measure, communities on tribal lands have historically had less access to telecommunications services than any other segment of the population. Broadband deployment in Indian Country is at less than a 10% penetration rate while analog telephone reaches only one in three families in many Tribal communities."<sup>1</sup> This is the digital divide that disadvantages Native Americans.<sup>2</sup> In a recent report issued by the USDA<sup>3</sup>, it was clear, high-speed broadband access plays a crucially important role in beginning to address rural economic development, health care, education, and public safety issues.

Similar to Tribal communities, rural areas are critically underserved. In fact, only 38% of rural households (compared to 57% and 60% for city and suburb households) have access to high-speed broadband services.<sup>4</sup> The absence of access to high speed broadband "is helping create a country of broadband haves and have-nots—a division

<sup>1</sup> Extending Wireless Telecommunications Services to Tribal Lands, WT Docket No. 99-266, Third Report and Order, 19 FCC Rcd. 17652 (2004) Federal Communications Commission, Tribal Lands Bidding Credit and Order.

<sup>2</sup> *New Media, Technology and Internet Use in Indian Country: Quantitative and Qualitative Analyses, Native Public Media (2009)* – available at <http://www.techarwoglake.com/new-media/technology-and-internet-use-in-indian-country.html>

<sup>3</sup> USDA Rural Development: Bringing Broadband to Rural America – <http://www.usrdev.usda.gov/rd/pubs/RDRoadbandRpt.pdf>

<sup>4</sup> Arik Hesseldahl, "Bringing Broadband to Rural America," *Bloomberg Business Week*, September 18, 2008 – available at [http://www.businessweek.com/technology/content/sep2008/tc20080917\\_797892.htm](http://www.businessweek.com/technology/content/sep2008/tc20080917_797892.htm)



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that not only makes it harder for businesses to get work done, but also impedes workers' efforts to find jobs, puts students at a disadvantage, and generally leaves a wide swath of the country less connected to the growing store house of information on the web—from health sites to news magazines to up-to-date information on Presidential candidates.”<sup>5</sup>

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TW is committed to working with Tribes and Rural America to close the digital divide that threatens the very survival of Tribal and Rural America. Specifically, TW has chosen the most rural, persistently impoverished and chronically underserved areas.

The terms of the LOI between LS and TW provide a clear path to a high-speed broadband/internet infrastructure to the underserved and mostly unserved areas in Tribal and Rural America.

The FCC should not be misled by self-serving and one-sided research that does not in any way support the objectives of the Obama administration to insure that high-speed broadband is available to all Americans. I urge the FCC to support the LS application and thereby provide Indian Country and Rural America an opportunity to have access to the potential of a LS/TW high-speed broadband/internet infrastructure and spectrum.

I know you share our commitment to Tribes and Rural America. We need your support for the projects of LS and TW.

Sincerely,

Daniel J. Tucker  
Tribal Chairman  
Sycuan Band of the Kumeyaay Nation